

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
 v.) CRIM NO. **2:05cr137-F**
)
GEORGE DAVID SALUM III)

**GOVERNMENT’S RESPONSE TO DEFENDANT’S SUPPLEMENTAL MOTION
FOR DISCLOSURE OF FEDERAL GRAND TRANSCRIPT BY STATE DEFENDANT**

COMES NOW the United States of America, by and through its attorneys, Gregory R. Miler, United States Attorney for the Northern District of Florida, and the undersigned Assistant United States Attorney, and files this response to Defendant’s Supplemental Motion for Disclosure of Federal Grand Jury Transcript (Doc. 22).

Statement of Facts

1.

The United States reasserts the facts contained in paragraphs 1 through 4 of its original response (Doc. 20).

2.

The only differences between Defendant’s original and supplemental motions for relief are: (1) bold faced typing of paragraph 13; and (2) the addition of 13d: “Statements made by Defendant Salum relating to the alleged obstruction. The Supplemental Motion is, in all other respects, identical to the original. No additional authority in support of the defendant’s request for relief are cited.

Argument

The United States reasserts the argument contained in the “Discussion of Law” section of its original response (Doc. 20), which, as the Court noted in its Order permitting but not requiring the instant response, already addressed both matters emphasized in the defendant’s “renewed” request (Doc. 21).

As this Court announced in its previous Order on the original motion, the defendant has failed altogether to show or to attempt to show any particularized need warranting disclosure of grand jury material earlier than is contemplated by Fed.R.Crim.P. 26.1 and the Jencks Act (Doc. 21).

Requested Relief

WHEREFORE, the United States requests that the Court deny the defendant’s supplemental motion for relief.

RESPECTFULLY SUBMITTED this 17th day of June, 2005.

GREGORY R. MILLER
United States Attorney

/s/Dixie A. Morrow
DIXIE A. MORROW
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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing GOVERNMENT'S RESPONSE TO DEFENDANT'S SUPPLEMENTAL MOTION FOR DISCLOSURE OF FEDERAL GRAND JURY TRANSCRIPT BY STATE DEFENDANT upon the defendant by electronic filing with and noticing by the Clerk of Court, and by mailing an additional courtesy copy of same to the defendant's counsel of record: Julian L. McPhillips, Jr., McPHILLIPS SHINBAUM LLP, Post Office Box 64, Montgomery, Alabama 36101.

THIS 17th day of June, 2005.

/s/Dixie A. Morrow

DIXIE A. MORROW

Assistant United States Attorney

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